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Response  
Small's Logan  
3/11/03

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KOICHI OTSUKI : EXAMINER: NGUYEN, T.  
SERIAL NO: 10/082,249 :  
FILED: FEBRUARY 26, 2002 : GROUP ART UNIT: 2861  
FOR: COLOR PRINTING USING A :  
VERTICAL NOZZLE ARRAY  
HEAD

RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

This is a response to the Office Action dated December 4, 2002, in which Examiner Nguyen stated that a Terminal Disclaimer would overcome the outstanding rejection.

REMARKS

Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321 to overcome the non-statutory double patenting rejection. For the record, Applicants respectfully note that the "filing of a Terminal Disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 874, 20 USPQ2d 1392, 1394-5 (Fed. Cir. 1991).

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